

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

<p>VIVIANA ANSELME and ALYSHA HONEYCUTT,</p> <p>Plaintiff,</p> <p>v.</p> <p>MARIA LEFEVERS, ERIC GRIFFIN, and RAHEEM RAMSEY,</p> <p>Defendants.</p>	<p>Case No. 3:20-CV-5-NKM</p>
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UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE AMENDED COMPLAINT

Plaintiffs Viviana Anselme and Alysha Honeycutt, by counsel, pursuant to Federal Rule of Civil Procedure 6(b)(1)(A) and Western District of Virginia Civil Rule 11(b), -(c)(2), for their Consent Motion for Extension of Time to File Amended Complaint, state the following:

1. On December 17, 2020, the Court entered its order addressing motions to dismiss filed by Defendants Fluvanna Correctional Center for Women (“FCCW”), Eric Aldridge, and Sgt. Perez. The order dismissed Counts I and II of the complaint with prejudice, and dismissed FCCW, Aldridge, and Perez as parties. The order granted Plaintiffs 21 days, until January 7, 2021, to amend their complaint as to Count III.

2. Plaintiffs requests that the deadline for filing the amended complaint be extended 90 days, to April 7, 2021.

3. Plaintiffs’ counsel has conferred with Defendants’ counsel, who does not oppose the relief sought.

4. Motions for extension of time filed before the expiration of a deadline “are liberally granted.” *Curtis v. Norfolk S. Ry. Co.*, 206 F.R.D. 548, 550 (M.D.N.C. 2002). A party moving for an extension before the expiration of a deadline “need only show cause,” and the standard for determining whether cause exists is “relaxed.” *Id.* Indeed, such motions “normally will be granted in the absence of bad faith or prejudice to the adverse party.” *Id.* (citing 4B Wright & Miller, FED. PRAC. & PROC. § 1165 (3d ed. 2002)).

5. In this case, the preparation of an amended complaint will be a multi-step process complicated by the Plaintiffs’ status as inmates at FCCW. Due to Covid-19 restrictions, FCCW does not currently allow in-person visits by attorneys. All real-time attorney-client communications must be by telephone. In order to schedule an attorney-client phone call, each of Plaintiffs’ attorneys must draft a letter to FCCW requesting the phone call, fill out an application for a phone call on a form required by FCCW, and submit a copy of his driver’s license and bar card. The application packets must be submitted at least two days before the scheduled phone call, and FCCW reserves the right to reschedule phone calls based on its own scheduling needs. This process must be followed for each telephone call. Moreover, FCCW will not allow both Plaintiffs to speak to counsel simultaneously. Therefore, Plaintiffs’ counsel will have to schedule separate phone calls with Plaintiff Anselme and Plaintiff Honeycutt to discuss the Court’s ruling on the motion to dismiss, and plans for amending the complaint. Plaintiffs’ counsel will then have to schedule a second round of phone calls to discuss each Plaintiff’s input during the first round of calls with the other. Then counsel must draft the proposed amended complaint and mail it to both Plaintiffs for review. Then counsel must schedule a second round of phone calls with both Plaintiffs to discuss any necessary revisions to the amended complaint. Counsel will then have to follow the same process of revising the proposed amended complaint, sending it to Plaintiffs for

review, and follow-up phone calls with both Plaintiffs, until both Plaintiffs have approved a final version for filing.

6. In light of these logistical issues, involving a two-day delay for each attorney phone call with Plaintiffs, and several days for each draft of the amended complaint to reach Plaintiffs by mail, a 90 day extension to file the amended complaint is reasonable.

WHEREFORE, for the foregoing reasons, Plaintiffs respectfully move the Court to grant their motion and enter the accompanying proposed Order.

WAIVER OF HEARING

Pursuant to Western District of Virginia Civil Rule 11(b), the parties agree to submission of this motion without a hearing.

DATED: January 4, 2021

Respectfully submitted,

/s/ Robert O. Wilson

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Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I certify that on January 4, 2021 I filed the foregoing using the Court's electronic filing system, which generated a notice of electronic filing to all counsel of record.

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